

**REMARKS**

In the final Office Action mailed July 26, 2005 in the above-identified application all the claims (27-37 and 44-57) were rejected. Claims 27-33, 35-37, and 46-55 were rejected under 35 U.S.C. 102(e) as anticipated by Gustafsson (U.S. Pat. No. 6,007,529); claims 27, 31, 44, 45, 56, and 57 were rejected under 35 U.S.C. 102(e) as anticipated by Becker (U.S. Pat. No. 5,577,369); and claim 34 was rejected under 35 U.S.C. 103(a) as obvious in view of Gustafsson (U.S. Pat. No. 6,007,529). According to the final Office Action, Becker and Gustafsson disclose all the features of the respective claims except for the claim limitation “wherein the lipids have a concentration of a semi-volatile compound of various concentrations and various compounds.” However, these limitations were treated as intended use recitations and were not given any patentable weight by the Patent Office. Without yielding as to the reasoning supporting the rejection of the claims or the treatment of the above-identified limitations as merely “intended use” recitations, Applicants have canceled all the rejected claims and have added new claims 58-123.

Claims 58-69 recite among other things a container for storing, sterilizing and admixing medical solution that is resistant to leaching into a lipid component contained and autoclaved in the container greater than one or more of a specified concentration of a specified compound. Applicants submit that the prior art does not teach or suggest a container recited in claims 58-6, alone or in combination.

Claims 70-81 recite among other things a container and medical solution comprising a multiple chambers and a lipid component contained in one of the chambers wherein the container is resistant to leaching by the lipid component greater than one or more of a specified

concentration of a specified compound. Applicants submit that the prior art does not teach or suggest a container recited in claims 70-81, alone or in combination.

Claims 82-93 recite among other things a medical product comprising a container having a first chamber and second chamber, a peelable seal and a lipid component contained in one of the chambers and having one or more of a specified concentration of a specified compound. Applicants submit that the prior art does not teach or suggest a container recited in claims 82-93, alone or in combination.

Claims 94-105 recite among other things an autoclaved medical product comprising a container having a peelable seal separating a first and second chamber and a lipid component contained in one of the chambers, the lipid component including less than specified concentrations of specified compounds. Applicants submit that the prior art does not teach or suggest a container recited in claims 94-105, alone or in combination.

Claims 106-122 recite among other things a container for storing and admixing medical solutions comprising a first chamber containing a lipid component having less than one or more of a specified concentration of a specified compound. These claims are based, in part, on previously presented claims 27-37, 50, 52, and 54 which have been canceled. Applicants submit that the prior art does not teach or suggest a container recited in claims 106-122, alone or in combination.

Claim 123 recites a method of making a medical product. Applicants submit that the prior art does not teach or suggest the method recited in claim 123, alone or in combination.

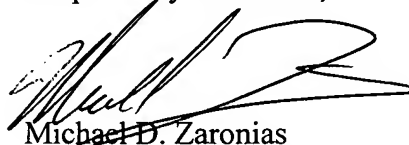
Applicants submit that none of the claims limitations recite an intended use. In *Ex parte Masham* cited by the Examiner, the limitation in question recited means defining a chamber for receiving the flowing developer material. (Emphasis added). None of the present claim

limitations recite a container or chamber for containing a lipid. Even if Gustafsson discloses a container either suitable for or actually containing a lipid, it does not disclose or suggest the container, the container and medical solution, the medical product, the autoclaved medical product, or the method of making a medical product as now recited in the new claims.

For at least the reasons given above, Applicants submit that the subject matter of the claims is not taught or suggested by the cited references alone or in combination and as a result, the claims are in condition for allowance. Accordingly, Applicants respectfully request favorable consideration of all of the claims and that a Notice of Allowance be issued forthwith.

Applicants enclose herewith a check in the amount of three thousand and ninety dollars (\$3090.00) which includes the charge for the RCE, the two-month extension of time and the extra claim fees. Applicants discovered that two claims added in the Response of April 20, 2005 were inadvertently not paid for. The above fee includes the fee for these two inadvertently unpaid claims. It is believed that no other fees are due with this reply. However, if any additional fee should be required, the Commissioner is authorized to charge our Deposit Account No. 50/1039.

Respectfully submitted,



Michael D. Zaronias  
Registration No. 54,564

Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
200 West Adams Street  
Suite 2850  
Chicago, Illinois 60606  
312.236.8500